

1 **JOHN L. BURRIS, ESQ., SBN 69888**
2 **BEN NISENBAUM, ESQ., SBN 222173**
3 **JAMES COOK, ESQ., SBN 300212**
4 **LAW OFFICES OF JOHN L. BURRIS**
5 Airport Corporate Center
6 7677 Oakport Street, Suite 1120 Oakland, CA 94621
7 Telephone: (510) 839-5200
8 Facsimile: (510) 839-3882
9 Email: John.Burris@johnburrislaw.com
10 Email: Ben.Nisenbaum@johnburrislaw.com
11 Email: James.Cook@johnburrislaw.com

12 Attorneys for Plaintiffs,
13 MARIA QUINTO-COLLINS, ANDREI CARLOS
14 QUINTO, and ISABELLA COLLINS

15 **UNITED STATES DISTRICT COURT**

16 **NORTHERN DISTRICT OF CALIFORNIA**

17 MARIA QUINTO-COLLINS, et al.,

18 v.
19 Plaintiffs,

20 CITY OF ANTIOCH, et al.,

21 Defendants.

22 CASE NO.: 3:21-cv-06094-AMO

23 **[PROPOSED] ORDER GRANTING
PLAINTIFFS' CROSS MOTION FOR
SUMMARY JUDGMENT AND DENYING
DEFENDANTS' MOTION FOR SUMMARY
JUDGMENT**

24 Time: 2:00 p.m.
25 Date: December 14, 2023
26 Dept.: Courtroom 10, 19th Floor
27 Judge: Araceli Martinez-Olguin

This matter came on regularly for hearing on December 14, 2023, before the Honorable Judge Araceli Martinez-Olguin, in Courtroom 10 of the above entitled court.

Upon reviewing and considering Plaintiffs' Cross Motion for Summary Judgment and hearing argument of the parties in the hearing on this matter, and GOOD CAUSE APPEARING, IT IS HEREBY ORDERED THAT:

- 1) Defendants' Motion for Summary Judgment is denied in its entirety.

2) Plaintiffs' Cross Motion for Summary Adjudication of issues regarding the *Graham* factors that are not in dispute and favor Plaintiffs is granted. That is, the undisputed evidence and the Defendants' admissions establish that: 1) the Defendant Officers violated Plaintiffs' constitutional rights by failing to place Angelo Quinto in a recovery position once he was successfully detained, handcuffed, and was nonresponsive to the Officers' questions; and 2) Angelo Quinto's death was caused by the Defendant Officers' conduct.

IT IS SO ORDERED.

Dated:

Honorable Araceli Martinez-Olguin, Judge